BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 93-032-R - ORDER NO. 93-282
MARCH 29, 1993

IN RE: United Parcel Service - Application)
for Authority to Amend Tariff,) ORDER DENYING
Supplement No. 5 to SCPSC MF No. 6,) RECONSIDERATION
Increase Rates.

This matter comes before the Public Service Commission of South Carolina (the Commission) on the March 12, 1993 Petition for Reconsideration filed by Mr. Mike Shelton (Shelton).

Shelton alleges two errors in the Commission's original Order granting United Parcel Service's (UPS's) rate increase. First, Shelton alleges that the Commission was in error in holding that he had no standing as an intervenor based on the fact that he was not a shipper using UPS. Shelton alleges that this was incorrect, that indeed, he is a shipper utilizing UPS's services. However, the Commission has examined this matter and affirms its earlier holding granting UPS its rate increase. The gravamen of Shelton's complaint was that UPS was giving away a service for free that Shelton charges for and, therefore, Shelton was losing money. Shelton's status as a UPS shipper is irrelevant. Further, this Commission does not believe that Shelton's complaint was relevant to the determination of UPS's rates and, therefore, believes that Shelton's first designation of error is without merit.

Second, Shelton alleges that the Commission promised a hearing. Shelton enclosed a copy of the Commission's letter which acknowledged Shelton's intervention. The Commission has examined this letter and holds that the letter does not promise a hearing on the matter. The sentence at issue is as follows: "Upon a scheduling of this matter on the hearing calendar, you will be notified of the date and time of the hearing." The Commission notes that this language promises notification of the date and time of a hearing only upon the scheduling of the matter on the hearing calendar. If a matter is not scheduled upon the hearing calendar, then no notice of date and time of a hearing is presented to any party. Again, the Commission holds that this language does not promise a hearing to any party in this case. The matter of whether a formal hearing should be held is a matter within the Commission's discretion.

Based upon the above stated reasoning,

IT IS THEREFORE ORDERED THAT:

- 1. The Petition for Reconsideration is denied.
- 2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)